

*file construction  
preparation*

BPS	2 June 70
KKA	2 June 70
HCC	2 June 70
RLF	2 June 70
JEH	2 June 70
RLH	2 June 70
WAK	2 June 70
FHW	2 June 70
SEC	2 June 70

91ST CONGRESS  
2D SESSION

**H. R. 16443**

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IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1970

Mr. Brooks introduced the following bill; which was referred to the Committee on Government Operations

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**A BILL**

To amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

- 1      *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
- 2      That the Federal Property and Administrative Services Act
- 3      of 1949 (40 U.S.C. 471 et seq.) is amended by adding at
- 4      the end thereof the following new title:

1 "TITLE IX—SELECTION OF ARCHITECTS AND  
2 ENGINEERS

### 3 "DEFINITIONS

**4** "SEC. 901. As used in this title—

5       “(1) The term ‘firm’ means any individual, firm, part-  
6       nership, corporation, association, or other legal entity per-  
7       mitted by law to practice the professions of architecture or  
8       engineering.

9       “(2) The term ‘agency head’ means the Secretary,  
10      Administrator, or head of a department, agency, or bureau  
11      of the Federal Government.

12       “(3) The term ‘professional services’ includes those of  
13       an architectural or engineering nature as well as incidental  
14       services that members of these professions and those in their  
15       employ may logically or justifiably perform.

16 "POLICY

17 "SEC. 902. The Congress hereby declares it to be the  
18 policy of the Federal Government to negotiate contracts  
19 for professional services on the basis of demonstrated compe-  
20 tence and qualification for the type of professional services  
21 required and at fair and reasonable prices.

22 "REQUESTS FOR DATA ON PROFESSIONAL SERVICES

23 "SEC. 903. In the procurement of professional services  
24 the agency head shall invite firms engaged in the lawful prac-  
25 tice of their profession to submit, in accordance with the  
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1 terms of the invitation, a statement of qualifications and per-  
2 formance data. The agency head inviting such proposals shall  
3 evaluate the submissions received and shall select therefrom,  
4 in order of preference, no less than three of the firms deemed  
5 to be most highly qualified to provide the services required.

6           "NEGOTIATION OF CONTRACTS FOR SERVICES

7        "SEC. 904. (a) The agency head shall negotiate with  
8 the highest qualified firm for a contract for such professional  
9 services at a fee which the agency head determines is fair  
10 and reasonable to the Government. In making such determina-  
11 tion, the agency head shall take into account the estimated  
12 value of the services to be rendered, the scope, complexity,  
13 and professional nature thereof.

14        "(b) Should the agency head be unable to negotiate a  
15 satisfactory contract with the firm considered to be the most  
16 qualified, at a price he determines to be fair and reasonable  
17 to the Government, negotiations with that firm should be  
18 formally terminated. The agency head should then under-  
19 take negotiations with the second most qualified firm. Failing  
20 accord with the second most qualified firm, the agency head  
21 should terminate negotiations. The agency head should then  
22 undertake negotiations with the third most qualified firm.

23        "(c) Should the agency head be unable to negotiate  
24 a satisfactory contract with any of the qualified firms, he

1 shall, in his discretion, either select additional firms in order  
2 of their competence and qualification, or reissue a new  
3 request for proposals."

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